

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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MARIA SANCHEZ-AYALA AND JOSE SANCHEZ-AYALA,  
*Petitioners,*

*v.*

HON. CYNTHIA T. KUHN, JUDGE OF THE SUPERIOR COURT  
OF THE STATE OF ARIZONA,  
IN AND FOR THE COUNTY OF PIMA,  
*Respondent,*

*and*

SMITH'S FOOD & DRUG CENTERS, INC.,  
DBA FRY'S FOOD STORES, INC.,  
*Real Party in Interest.*

No. 2 CA-SA 2016-0034  
Filed July 11, 2016

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THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED FOR PERSUASIVE AUTHORITY.  
*See* Ariz. R. Sup. Ct. 111(a)(3), (c); Ariz. R. Civ. App. P. 28(a)(2);  
Ariz. R. P. Spec. Act. 7(g), (i).

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Special Action Proceeding  
Pima County Cause No. C20160123

**JURISDICTION ACCEPTED; RELIEF DENIED**

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SANCHEZ-AYALA v. KUHN  
Decision Order of the Court

COUNSEL

The Lara Law Firm, PLLC, Tucson  
By Adolfo Lara  
*Counsel for Petitioners*

Bonnett, Fairbourn, Friedman & Balint, P.C., Phoenix  
By Kendall K. Wilson and C. Kevin Dykstra  
*Counsel for Real Party in Interest*

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**DECISION ORDER**

Presiding Judge Vásquez authored the decision order of the Court, in which Chief Judge Eckerstrom and Judge Miller concurred.

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V Á S Q U E Z, Presiding Judge:

¶1 Petitioners seek special-action review of the respondent judge’s order requiring their attorney, Adolfo Lara, to disclose a “native word processing version” of a January 2016 letter, for which the real party in interest had issued a subpoena. Because special-action review is appropriate when a party may be ordered to disclose privileged information, *see Sun Health Corp. v. Myers*, 205 Ariz. 315, ¶ 2, 70 P.3d 444, 446 (App. 2003), we accept jurisdiction. However, the petitioners have cited no authority to suggest the respondent judge’s action would not be appropriate, whether in response to a request pursuant to Rule 34, Ariz. R. Civ. P., or a subpoena under Rule 45, Ariz. R. Civ. P. Nor have they established that any privilege would be violated, as the respondent judge’s order allowed redaction of such material, including alteration of metadata insofar as it is required to redact the privileged information Lara asserted was included with the letter in the electronic version. Furthermore, *Lund v. Myers*, 230 Ariz. 445, 286 P.3d 789 (App. 2012), on which petitioners rely, has been vacated by our supreme court. *See Lund v. Myers*, 232 Ariz. 309, ¶ 21, 305 P.3d 374, 378 (2013).

SANCHEZ-AYALA v. KUHN  
Decision Order of the Court

¶2 For these reasons, we deny relief. In our discretion, we deny the real party in interest's request for attorney fees.